

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 25-CV-22543-RAR

ARI TEMAN,

Petitioner,

vs.

UNITED STATES OF AMERICA, *et al*,

Respondents.

ARI TEMAN'S RESPONSE TO SHOW CAUSE ORDER

COMES NOW the Petitioner, ARI TEMAN, and files this his Response to the Court's Show Cause Order dated June 5, 2025. (DE:6). Petitioner would state the following:

1. The Petitioner argues that this Petition must be allowed to proceed here in the Southern District of Florida as a 28 U.S.C. §2241 due to the fact that currently, the Petitioner has a 28 U.S.C. §2255 Petition pending in United District Court, Sothern District of New York (Foley Square) in Case No.: 1:24-cv-09278-PAE, which is a collateral attack of his conviction and sentence due to allegations of ineffective assistance of counsel, which is proper in connection with said filing.

2. Petitioner's 28 U.S.C. §2241 should be allowed to proceed here in the Southern District of Florida as this Court has jurisdiction under 28 U.S.C. § 2241(a) to grant habeas corpus relief to a petitioner in custody, including those on probation. As such, TEMAN is "in custody" under probation supervised by the U.S. Probation Office in SDFL. *United States v. Wroblewski*, 816 F.2d 683, 684 (D.C. Cir. 1987).

Furthermore, a 28 U.S.C. §2241 petition is properly filed in the district of confinement, making SDFL the appropriate venue. *Padilla*, 542 U.S. at 443. TEMAN’S 28 U.S.C. §2241 petition addresses the execution of TEMAN’S probation, which is unconstitutional. *Jones*, 371 U.S. at 243).

3. Finally, because of the allegations alleged in TEMAN’S 28 U.S.C. §2241 petition are against Judge Engelmayer and not TEMAN’S attorneys or due to the sentence being in violation of the United States Constitution, a 28 U.S.C. §2255 petition is clearly “inadequate or ineffective to test the legality of detention” and therefore, said TEMAN’S request for release from probation pursuant to 28 U.S.C. §2241 is proper and therefore should not be dismissed.

WHEREFORE, having timely responded to the Court’s Order to Show Cause dated June 5, 2025, TEMAN prays that is 28 U.S.C. §2241 petition not be dismissed and be allowed to proceed in the United States District Court for the Southern District of Florida.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 16, 2025, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF.

Respectfully submitted,
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